

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Applicant's Remarks indicate that claim 5 has been amended to overcome rejection but has not pointed out written description and/or drawings to support interpretation of the claim as now written. As best understood, the present limitation defines/includes any angle except one that is coaxial with an axis perpendicular to the surface of the door. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3, 21, 23, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,669,243 to Katoh.

6. Katoh '243 teaches Applicant's claim limitations including : a "gripping part" – 3, "groove" – small space provided therebehind that is intended for gripping, "means for transmitting the movement" – including 7, a "handle support" – including 2 which is directly connected with the handle and at least indirectly supports at least part of the movement transmission means, "guide element" – cooperating structure on rear of handle.

7. As regards claims 3 and 30, part 8 anticipates broad limitation of "panel" where "exterior" is not well defined with respect to other claimed elements in such a way as to clearly, patentably distinguish from the well known structure of the prior art where the handle would inherently be visible from the outside of the vehicle when the door is open as the assembly is illustrated on the face of the Patent until part 8 is positioned to conceal.

8. As regards claim 21, reference discloses fastening structure for attaching 8 to sides which are indirectly connected with the support of the handle.

9. As regards claim 23, the reference discloses structure that connects the handle support to the rim of the frame of the door and for connecting the panel to the rim of the door that is equivalent to the mechanical structure presently disclosed.

Allowable Subject Matter

10. Claims 1, 5-10, and 31 are allowed.

11. The prior art doesn't teach or make obvious all limitations particularly including a translationally-movable handle, its gripping part including groove and having equivalent linkage to that disclosed with respect to claimed "means for transmitting", that linkage arranged substantially parallel to the gripping part of the handle and the handle mounted to a rear frame of a motor vehicle door.

12. Claim 12 has not been rejoined inasmuch as it claim 1 appears to include features exclusive of the embodiment of invention shown in Fig 5 and set forth in claim

12. Applicant's Remarks on the issue are courteously invited.

13. Claims 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been considered but are not entirely persuasive. Argument regarding "translational" limitation are persuasive in context of the claimed invention as a whole and rejections have been withdrawn wherever possible, but argument that prior art doesn't teach broad limitation for a door of a vehicle are not so persuasive. Contrary thereto, reference describes same at "Field of the Invention" portion of written description wherein one of ordinary skill in the art would consider the door of a glove compartment of a vehicle to be a door of a vehicle by identity. While

disclosed invention might be intended for some different type door, the claim does not contain any further particular structure that can be relied on to clearly, patentably distinguish from the well known structure of the prior art. The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Search Notes (continued)**Application/Control No.**

10/530,890

Examiner

Gary Estremsky

**Applicant(s)/Patent under
Reexamination**

VILLAGRASA ET AL.

Art Unit

3677

SEARCHED

Class	Subclass	Date	Examiner
update	search	3/8/2009	GWE

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR